## REMARKS

This Amendment is submitted in response to the Office Action dated November 12, 2004, having a shortened statutory period set to expire February 12, 2005. Claims 1, 5-6, 9-10, 15 and 21 have been amended, Claims 22-24 have been canceled, and Claims 25-27 have been added. Claims 1-21 and 25-27 are now pending.

Applicants note with appreciation the teleconference held with the Examiner on February 8, 2005. During that conference, an agreement was reached that the added features to amended exemplary Claim 1 are not taught or suggested by the cited prior art. If Applicants' representative has misunderstood this agreement, then he respectfully requests that the Examiner call him at the telephone number shown in the signature block below.

### Rejections Under 35 U.S.C. § 103

In paragraph 5 of the present Office Action, Claims 1-5 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Ridley* (U.S. Patent No. 6,765,802 – "*Ridley*") in view of *Wickeraad* (U.S. Patent No. 6,651,180 – "*Wickeraad*"). In paragraph 6 of the present Office Action, Claims 6-24 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Ridley* in view of *Wickeraad*, and further in view of *Bresniker et al.* (U. S. Patent Application Publication 2003/0084359 – "*Bresniker*"). Applicants respectfully traverse these rejections.

The present invention is directed to a method and system for turning off processors that are overheating an enclosure according to their priority number. That is, if one or more processors in a multi-processor system are overheating, then the overheating processors are turned off (powered down) in order of their importance. (See current application's abstract.)

*Ridley* discusses general component heating control, but does not teach prioritizing components for a shut-down process. *Wickeraad* is cited by the Examiner for this feature.

*Wickeraad* adjusts time-out periods for devices having a problem loading cache memory as a result of a bus collision. (See *Wickeraad*, col. 1, lines 13-26). For example, assume that a hard drive and a CPU are both trying to respond to a cache request. If neither device can get the

data by 100 microseconds, presumably due to a bus collision, then the hard drive needs to send a message to the CPU stating that the hard drive can't get the data within the 100 microsecond window. The CPU needs to keep its communication line to the data bus open, so it stays on line with the bus long enough to receive the error message from the hard drive. (See *Wickeraad,* col. 4, line 59 to col. 5, line 33.)

"It is impermissible within the framework of Section 103 to pick and choose from any one reference only so much of it as will support a given position, to the exclusion of other parts necessary to the full appreciation of what such reference fully suggests to one of ordinary skill in the art." In re Hedges, 783 F.2d 1038, 228 USPQ 685, 687 (Fe. Cir. 1986). That is, terms used in a patent must not be interpreted out of context. *Wickeraad* does not teach or suggest powering down overheating components according to their priority level. Rather, the term "shut down" as used on col. 5, lines 25-26 of the *Wickeraad,* does not refer to powering down, but rather to a timeout, during which the device quits trying to put data on the bus. (See col. 4, line 59 to col. 5, line 33, and particularly col. 5, lines 30-31 for context in which term "shut down" is used.) Thus, applications respectfully request that the rejections be withdrawn.

Regarding new Claims 25-27, the cited prior art does not teach or suggest measuring the temperature of each independent electronic device only in response to a specific event, such as the temperature of the common enclosure getting too high (Claim 26) or one of the common enclosure's fans failing (Claim 27). While *Bresniker* does teach shutting down all cards if a chassis gets too hot or one of the fans stops working (*Bresniker,* paragraph [0056]), there is no teaching or suggestion of checking the temperature of and selectively shutting down prioritized components as claimed in the present invention.

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## CONCLUSION

As the cited prior art does not teach or suggest all of the presently claimed limitations, Applicants now respectfully request a Notice of Allowance for all pending claims.

No extension of time for this response is believed to be necessary. However, in the event an extension of time is required, that extension of time is hereby requested. Please charge any fee associated with an extension of time as well as any other fee necessary to further the prosecution of this application to **IBM CORPORATION DEPOSIT ACCOUNT No. 50-0563.**

Respectfully submitted,

James E. Boice
*Registration No. 44,545*
DILLON & YUDELL LLP
8911 North Capital of Texas Highway
Suite 2110
Austin, Texas 78759
512.343.6116

ATTORNEY FOR APPLICANT(S)

RPS920010115US1                         -10-